

ENTERED

February 13, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RAYFIELD J.	§ CIVIL ACTION NO
THIBEAUX,	§ 4:24-cv-02836
Plaintiff,	§ § §
vs.	§ JUDGE CHARLES ESKRIDGE
	§ §
LYLE W. CAYCE,	§
Defendant.	§

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Rayfield J. Thibeaux filed a motion to effectuate summons and complaint. Dkt 18. The matter was referred for disposition to Magistrate Judge Richard W. Bennett. Dkt 20.

Pending is a Memorandum and Recommendation by Magistrate Judge Richard W. Bennett dated February 4, 2025. Dkt 23. He recommends that Plaintiff's motion to effectuate summons and complaint be denied because Plaintiff did not obtain leave to file any pleadings, despite the Fifth Circuit's order requiring him to do so. Id at 3–4. Alternatively, he found that even if Plaintiff had obtained permission to file suit, he failed to properly serve Defendant Lyle W. Cayce. Id at 6. Also pending are objections to the Memorandum and Recommendation filed by Plaintiff. Dkt 24.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no

clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

Upon *de novo* review and determination, Plaintiff's objections lack merit. The Memorandum and Recommendation clearly details the pertinent facts and correctly applies controlling law.

The objections by Plaintiff to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 24.

No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 23.

SO ORDERED.

Signed on February 13, 2025, at Houston, Texas.



Hon. Charles Eskridge
United States District Judge